

## ADVERSE TO KEMMLER.

The Supreme Court of the United States Refuses to Interfere in the Murderer's Favor.

WASHINGTON, May 24.—The Supreme Court of the United States yesterday denied the application for a writ of error in the case of Kemmler, under

The opinion first recites the proceedings in the lower courts leading up to the bringing of the case to this court.

and says that it is urged in Kemmler's behalf that the Fourteenth amendment is a prohibition on the State of imposition of cruel and unusual punishment, this being included in the

term "due process of law." The origin of the phrase "cruel and unusual punishment" was in the English Act of settlement in 1666 and meant that barbar

ous methods of punishment should not be inflicted. It meant that a man should not be sentenced to death by torture, but did not mean that the death penalty itself was cruel. The Court of Appeals held that the punishment in

dicted on Kemmler was unusual, but that there was no evidence to show that it was cruel. The Legislature of New York had the facts bearing upon this question and the court must presume that the Legislature had devised a

punishment it thought less cruel than the former mode. That decision was not against any special privilege set up by the prisoner and was so plainly right that the court would not be justified in overruling it. The Fourteenth amendment did not materially change the

whole theory of the Government. Citizens still remain citizens, both of the State and of the United States. The only change in that amendment furnished an additional guarantee against encroachment by the State upon the fundamental rights of the citizens. The

privileges and immunities of citizens of the United States are protected by them. Those are the privileges arising out of the essential nature and character of the National Government.

The Court quotes the opinion in the

hurdled case on the meaning of the phrase, due process of law. The change in form of death was within the legitimate sphere of the legislative power of the State. The Legislature of the State of New York determined that it did not inflict cruel and unusual punishment and its courts have sustained that determination. This court can not see that the prisoner has been deprived of due process of law. In order to govern

The judgment this court should be compelled to hold that the Court of Appeals had committed an error so gross as to deprive the prisoner of his constitutional rights. The Court has no hesitation in believing it can not do this.

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**THE ATCHISON PURCHASE.**

Terms By Which the Frisco Enters the Atchison System.

BOSTON, May 24.—A circular has been issued by George C. Magoun, chairman of the Atchison, Topeka & Santa Fe Railroad Company, formally announcing to stockholders the acquiescence of the St. Louis & San Francisco road.

The circular opens by congratulating the stockholders upon the adjustment of the funded debt, the aversion of foreclosure and the placing of the concern upon a sound basis.

The members of the committee are

The geography of the properties is detailed and a tabulated statement shows the railway segments that make the 1,320 miles of the St. Louis & San Francisco system. The advantage of this combination, as to the far southwest traffic, is dwelt upon and a tabulated statement from the railroad manuals shows the capitalization and stock status. It is stated that the financial and physical condition of the St. Louis & San Francisco property are good, the company having a surplus of available and cash resources over its floating indebtedness and the track

The circular closes thus: "In the purchase concluded the first preferred stock is not disturbed, and to holders of preferred stock are given one and three-eighths shares Atchafson Company's stock for one share of St. Louis & San Francisco Railway Company, and to holders of common stock three-quarters of one share of Atchafson stock for one share of St. Louis & San Francisco Railway Company. Your company has issued \$27,000,000 par value new stock out of which, when all stock shall have been changed, \$25,000,000 par will have been

**To Fight Grasshoppers.**  
Newbury, Mass.—The Com-

ment is about sending a large detachment of the army to destroy the crashoppers now ravaging trans-Caucaasia, and covering with their depredations an area of thousands of square miles. The residents of the ravaged districts fear a repetition of the fearful famine of 1879. At present there is nothing to make them feel that the people are doing at the frightful prospect before them.

to grant that the adjourned term of court from the regular term in December, 1902, began any legal status and that therefore the motion was null and void. Without specifically sustaining or denying the motion Judge Wayne said that the point was a very important one, and that he would consider his ruling final. The adjourned term should begin with him on the bench at December.

the week before and 113,700 barrels for the same time in 1889 and 170,000 barrels in 1888. Business during the week has been distressingly light and there is a disposition to reduce the present output. The mills during the past week have sold much less flour than was sold.